



CITY OF EUREKA
PUBLIC WORKS DEPARTMENT

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**City of Eureka Responses to Findings Detailed in 2018 Pretreatment
Compliance Audit Summary Report Received August 22, 2018**

Finding B.3.a – The City did not maintain an inventory of SIUs.

The Audit Team observed that the City's inventory of industrial users provided in the 2016 annual report and the most recent inventory of industrial users provided after the on-site audit do not indicate which industrial users are SIUs.

Regulatory Requirement

40 CFR 403.8(f)(6) states, "The POTW shall prepare and maintain a list of its Industrial Users meeting the criteria in §403.3(v)(1). The list shall identify the criteria in §403.3(v)(1) applicable to each Industrial User and, where applicable, shall also indicate whether the POTW has made a determination pursuant to §403.3(v)(2) that such Industrial User should not be considered a Significant Industrial User."

Requirement 1

The City is required to maintain a list of SIUs that identifies the criteria applicable to each SIU.

Response:

On August 28, 2018, the City created a specific sheet in the in-house inventory to list SIUs and their applicable criteria. In addition, the City will delineate SIUs and their associated applicable criteria in the next Pretreatment Annual Report.

Finding B.3.b – The City's inventory of industrial users was incomplete.

The Audit Team observed that multiple fields in the City's inventory were incomplete for multiple industrial users (e.g., "Pretreatment Type", "Last Sampled", and "Self-Monitoring [Frequency]"). The Audit Team also observed that the inventory does not provide the industrial user permit number or the permit expiration date for all facilities permitted by the City.

Recommendation 1

It is recommended the City implement formal procedures to ensure that its inventory of industrial users is complete and up-to-date. Additionally, it is recommended the City add fields to the inventory to aid in the implementation of its pretreatment program (e.g., permit number and permit expiration date).

Response:

The City will heed Recommendation 1 and assess the potential for adding and updating information in the above mentioned fields on an ongoing basis. It should be noted that permit number and permit expiration date are already fields listed in the provided inventory.

Finding C.4.a – The SIU permits contained a provision that allowed them to extend beyond five years.

The 2015 inspection report documented that the City's SIU permits were issued for five years and contained a provision that they remain effective if the City fails to renew them before expiration. Because the City cannot extend an SIU permit beyond a 5-year period, the City was required to correct this issue to ensure SIU permits are not effective for longer than a 5-year period. The Audit Team observed the City had not revised its SIU permits to ensure they are not effective for longer than five years (the SIU permits effective at the time of the audit were the same permits in effect at the time of the 2015 inspection).

Engineering

Construction
Development
Transportation
Stormwater

Field Operations

Water Distribution
Wastewater Collection
Equipment Operations

Building

Construction Regulation
Code Enforcement

Utility Operations

Water and Wastewater Treatment
Source Control

Regulatory Requirements

40 CFR 403.8(f)(1)(iii)(B)(1) requires control mechanisms to contain a “Statement of duration (in no cases more than five years).”

Requirement 2

The City is required to revise its SIU permits to ensure they are in no case effective for longer than five years.

Response:

The 2015 inspection report was not provided to the City until sometime in 2017. Beginning in 2018, all newly issued and renewed permits have been issued for a period of no more than 4 years and the language that states they may remain in effect after the expiration date has been removed. SIU permits will be revised to ensure they are in no case effective for longer than five years.

Finding C.4.b – The statement of non-transferability in the SIU permits did not require a copy of the existing control mechanism be provided to the new owner or operator.

The statement of non-transferability included in the SIU permits states, “The permit is not transferable without prior notification and approval from the City.” However, the SIU permits do not require that a copy of the existing control mechanism be provided to the new owner or operator.

Regulatory Requirement

40 CFR 403.8(f)(1)(B)(2) requires control mechanisms to contain a “Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator.”

Requirement 3

The City is required to revise its SIU permits such that the statement of non-transferability requires a copy of the existing permit be provided to the new owner or operator.

Response:

The SIU permits will be revised such that the statement of non-transferability requires a copy of the existing permit be provided to the new owner or operator.

Finding C.4.c – The Pacific Choice Seafood permit references the City’s SUO rather than including the general and specific prohibitions.

The Pacific Choice Seafood permit references the City’s SUO rather than explicitly containing the general and specific discharge prohibitions (40 CFR 403.5(a)(1) and 40 CFR 403.5(b), respectively).

Regulatory Requirement

40 CFR 403.8(f)(1)(B)(3) requires control mechanisms to contain “Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law.”

Requirement 4

The City is required to revise the Pacific Choice Seafood permit to include the discharge prohibitions listed at 40 CFR 403.5(a)(1) and 40 CFR 403.5(b).

Response:

The City will revise the Pacific Choice Seafood permit to include the discharge prohibitions listed at 40 CFR 403.5(a)(1) and 40 CFR 403.5(b).

Finding C.4.d – The SIU permits do not require self-monitoring reports to contain the minimum required information.

The SIU permits do not require the minimum information required by the City's SUO or by 40 CFR 403.12(h) (i.e., periodic reporting requirements for non-categorical SIUs). Each SIU permit states that self-monitoring reports "shall indicate the name and concentration of pollutants in the sample for the analyses performed." However, the permits do not require self-monitoring reports to contain effluent flow measurements or to be signed and certified.

Regulatory Requirement

Section 50.073 of the City's SUO states, "Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the City Manager, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution preventative alternative, the user must submit documentation required by the City Manager or the Pretreatment Standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with § 50.052(B) of this chapter."

40 CFR 403.12(h) states, "The Control Authority must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User."

Requirement 5

The City is required to revise its SIU permits to ensure self-monitoring reports contain the minimum information required by the City's SUO and the federal regulations.

Response:

The City will revise its SIU permits to ensure self-monitoring reports contain the minimum information required by the City's SUO and the federal regulations.

Finding C.4.e – The SIU permits do not specify sample frequency or sample type.

Regulatory Requirement

40 CFR 403.8(f)(1)(iii)(B)(4) requires control mechanisms to contain "Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with §403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type [emphasis added], based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law."

Requirement 6

The City is required to revise its SIU permits to include the required sampling frequency and sample type based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law.

Response:

The City will revise its SIU permits to include the required sampling frequency and sample type based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and State and local law.

Finding C.4.f – The SIU permits do not require notification to the City of substantial changes in the volume or character of pollutants.

Regulatory Requirement

40 CFR 403.8(f)(1)(iii)(B)(4) requires control mechanisms to include reporting and notification requirements.

40 CFR 403.12(j) states, “All Industrial Users shall promptly notify the Control Authority (and the POTW if the POTW is not the Control Authority) in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph (p) of this section.”

Section 50.074 of the City’s SUO (Reports of Changed Conditions) requires industrial users to notify the City “of any planned significant changes to the industrial user’s operations or system which might alter the nature, quality or volume of its wastewater at least 45 days before the change.”

Requirement 7

The City is required to revise its SIU permits to require notification to the City in advance of any significant change, including the increase or decrease, in the volume or character of pollutants in its discharge to the POTW.

Recommendation 2

It is recommended the City define the term “significant change” in its industrial user permits. Also refer to finding D.1.b regarding the definition of significant changes in the City’s SUO.

Response:

The City will revise its SIU permits to require notification to the City in advance of any significant change, including the increase or decrease, in the volume or character of pollutants in its discharge to the POTW. The City will follow Recommendation 2 and define the term “significant change” in its industrial user permits.

Finding C.4.g – The permits do not contain reporting requirements for the discharge of waste that would otherwise be hazardous waste.

Pretreatment Requirements

40 CFR 403.8(f)(1)(iii)(B)(4) requires control mechanisms to include reporting and notification requirements.

40 CFR 403.12(p) contains notification requirements for any discharges to the POTW of a substance which if otherwise disposed of, would be hazardous waste.

Requirement 8

The City is required to revise its SIU permits to include the reporting requirements listed at 40 CFR 403.12(p) for the discharges of waste that would otherwise be hazardous waste.

Response:

The City will revise its SIU permits to include the reporting requirements listed at 40 CFR 403.12(p) for the discharges of waste that would otherwise be hazardous waste.

Finding C.4.h – The SIU permits do not require slug discharge control plans to contain procedures for follow-up written notification within five days.

Regulatory Requirement

40 CFR 403.8(f)(2)(vi)(C) requires slug discharge control plans to include “Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under §403.5(b) with procedures for follow-up written notification within five days.”

Requirement 9

The City is required to revise the SIU permits to include the five-day written notification requirement for slug discharge control plans in accordance with 40 CFR 403.8(f)(2)(vi).

Response:

All SIU permits currently contain a five-day written notification requirement for slug discharge notification. It is located in Subsection C under Reporting Requirements in each permit. The requirements for each SIU's accidental discharge/slug control plan will be revised to include this written notification as well.

Finding C.4.i – The SIU permits contained requirements for the City.

The SIU permits required the City to perform inspections and conduct monitoring. For example, Part 3.A of the Pacific Choice Seafood permits states, "The City of Eureka shall perform inspections of the permitted business location, at the expense of the permittee" and Part 3.B states, "During the period of this permit the City of Eureka shall, at the expense of the permittee, monitor for the following parameters at the location indicated below."

Recommendation 3

It is recommended that the City remove any language containing obligations for the City from industrial user permits.

Response:

The City currently performs monitoring of SIU discharges "in lieu of the significant non-categorical Industrial User" as expressed in 40 CFR 403.12(h). The City will continue to assess whether this approach is best for meeting the needs of the pretreatment program and associated regulations. Any City obligation that remains expressed in SIU permits will be fulfilled.

Finding D.1.a – The City's SUO does not enable the City to seek or assess criminal penalties in at least the amount of \$1,000 for the initial conviction

Regulatory Requirement

According to 40 CFR 403.8(f)(1)(vi), the POTW's legal authority shall enable the POTW to "Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTWs shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements."

Requirement 10

The City is required to revise its SUO to ensure that it has the legal authority to assess criminal penalties in at least the amount of \$1,000 a day for each violation by industrial users of pretreatment standards and requirements.

Response:

The City will revise its SUO to ensure that it has the legal authority to assess criminal penalties in at least the amount of \$1,000 a day for each violation by industrial users of pretreatment standards and requirements.

Finding D.1.b – The definition of significant change in the City's SUO does not include decreases in flow or changes in the concentration of pollutants.

Section 50.074 of the City's SUO (Reports of Changed Conditions) requires industrial users to notify the City "of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 45 days before the change." Section 50.074(C) of the City's SUO states "flow increases of 10% or greater, and the discharge of any previously unreported pollutants, shall be deemed significant."

Regulatory Requirement

40 CFR 403.12(j) states, "All Industrial Users shall promptly notify the Control Authority (and the POTW if the POTW is not the Control Authority) in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph (p) of this section."

The federal regulatory requirement for notification of changes in an industrial user's discharge is not limited to increases in volume and discharge of new pollutants. Changes in production and flow, both increases and decreases should be considered in evaluation of significant change in operations at permitted industrial uses.

Requirement 11

The City is required to revise its SUO such that the definition of significant change includes the decrease in flow and all changes in the character of pollutants discharged.

Response:

The City will revise its SUO such that the definition of significant change includes the decrease in flow and all changes in the character of pollutants discharged.

Recommendation 5 & 6

HCSD owns and operates a collection system that discharges to the City. HCSD services portions of Humboldt County that surround the City on the east and south and includes the following communities: Freshwater, Pidgeon Point, Myrtle town, Cutten, Ridgewood Heights, Rosewood, Pine Hill, Elk River, Spruce Point, Fields Landing, King Salmon, and Humboldt Hill. HCSD's collection system consists of approximately 70 miles of sewer mains and 28 lift stations and has approximately 6300 sewer connections. HCSD owns capacity rights to 30.5% of the WWTP's dry-weather capacity.

On January 26, 2009, the City and HCSD entered into a multi-jurisdictional agreement (MJA) regarding the implementation of an industrial pretreatment program. Among other requirements, the MJA requires HCSD to perform an industrial user survey, issue permits to industrial users (if necessary), conduct inspections and sampling, and perform enforcement activities in accordance with HCSD's ERP. The MJA also requires HCSD to adopt and enforce a SUO that is no less stringent than the City's SUO; HCSD must submit revisions to the City for review and approval.

Recommendation 5

It is recommended the City require HCSD to specify the classification of each permitted industrial user (e.g., CIU, non-categorical SIU, non-significant industrial user, etc.) in its pretreatment program reports submitted to the City.

Response:

The City will require HCSD to specify the classification of each permitted industrial user (e.g., CIU, non-categorical SIU, non-significant industrial user, etc.) in its future pretreatment program reports submitted to the City.

Recommendation 6

It is recommended the City follow up with HCSD to ensure that it submits quarterly pretreatment program reports as required by the MJA.

Response:

The Multijurisdictional Agreement (MJA) between the City and HCSD is due for renewal in January of 2019. During the MJA renewal process, the City will evaluate whether quarterly reports deem necessary. Other requirements in the MJA specify that the District shall provide information to the City when a new significant user begins operations in the District, or when an existing significant industrial user's discharge is modified by specific qualities. These provisions combined with annual reporting should be sufficient for identifying potential problems associated with discharge from the Districts industrial users.

Finding E.2.a – Lost Coast Brewery's slug discharge control plan does not contain procedures for follow-up written notification within five days.

Regulatory Requirement

40 CFR 403.8(f)(2)(vi)(A)-(D) requires slug discharge control plans to "contain at a minimum, the following elements:

- (A) Description of discharge practices, including non-routine batch Discharges;
- (B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under §403.5(b) with procedures for follow-up written notification within five days;

(D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response”

Requirement 12

The City is required to ensure slug discharge control plans contain the required minimum elements per 40 CFR 403.8(f)(2)(vi)(A)-(D).

Response:

The City shall follow-up with all SIU's and ensure slug discharge control plans contain the required minimum elements per 40 CFR 403.8(f)(2)(vi)(A)-(D). Specifically, the City shall ensure that slug discharge control plans include procedures for follow-up written notification within five days.

Finding E.2.b – Lost Coast Brewery's slug discharge control plan was not signed and dated.

Recommendation 7

It is recommended the City require slug discharge control plans and other standard operating procedures (SOPs) developed and implemented by industrial users to be signed and dated to help ensure the enforceability of the documents.

Response:

The City recognizes the value in having these documents signed and dated and will follow recommendation on future updates and submittals.

Finding F.1.a – The City had not inspected all SIUs in 2017.

The Audit Team observed that in 2017, the City had not inspected Lost Coast Brewery and had not conducted a comprehensive inspection of Mission Linen Supply and Pacific Choice Seafood.

The Source Control Inspector stated that the City had not inspected Lost Coast Brewery in 2017. He stated that he visited Mission Linen Supply in 2017 due to construction of the facility's pretreatment system; however, the Audit Team could not confirm the scope of the visit because documentation for the visit was not observed in the SIU file.

The City inspected Pacific Choice Seafood on August 10 and 11, 2017, in response to discharges of shrimp waste to the POTW. The inspection report documents that the City inspected the facility's shrimp processing area; however, the inspection report does not indicate if the City inspected the facility's pretreatment system or other process areas (e.g., crab cooking). Additionally, the Audit Team noted that the City conducted sampling on April 13, 2017; however, the sampling documentation (laboratory analytical report and chain of custody form) does not document if the pretreatment system or if other areas of the facility were inspected in conjunction with the sampling event.

Regulatory Requirements

40 CFR 403.8(f)(2)(v) requires the City to “Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year.”

Requirement 13

The City is required to inspect each SIU at least once per year. The scope of an inspection must be sufficient to identify noncompliance with pretreatment standards.

Response:

The City's pretreatment program went through a series of short employment durations in the years 2015 through 2017. Interim staff does not appear to have been aware of or have understood all pretreatment requirements. The City recognizes that during this time, some minimum requirements were not completed. Beginning in 2018, all SIU's were inspected at least once a year with a scope sufficient to identify noncompliance with pretreatment standards.

Recommendation 8

The Audit Team observed that the City did not consistently use a standardized inspection form to document SIU inspections. It is recommended the City document all industrial user inspections using an inspection form that ensures the City conducts comprehensive inspections.

Response:

The City has obtained a copy of the *Control Authority Checklist Facility Inspection of Industrial User* from the state waterboards website and will use this as a base for a standardized inspection form for future annual SIU inspections.

Finding F.1.b – The City was not sampling SIUs at the required frequency.

The City samples on behalf of each SIU in lieu of requiring self-monitoring; therefore, the City is required to sample each SIU at least twice per year. The Audit Team's observations for Pacific Choice Seafood and Lost Coast Brewery are provided below.

Pacific Choice Seafood

Based on discussions with the Source Control Inspector and documents reviewed, the Audit Team observed that the City sampled Pacific Choice Seafood once in 2015 and once in 2017. The City collected a sample at the facility in November 2016, but the sample was analyzed for ammonia only. The November 2016 sampling event appeared to be collected during a time period when the City was investigating sources of ammonia in the collection system. This event did not meet the sampling requirement under 40 CFR Part 403.

On April 13, 2017, the City sampled for biological oxygen demand (BOD), oil and grease, and total suspended solids (TSS); sample documentation does not indicate whether the City sampled for pH, as required by the facility's discharge permit.

Lost Coast Brewery

According to the City's 2016 annual report, the City did not sample Lost Coast Brewery in 2016 and the Source Control Inspector stated the City had not sampled the facility in 2017. The City maintains a continuous monitoring station downstream of Lost Coast Brewery that monitors for pH, temperature, and flow; however, it was unclear when the City had installed the monitoring equipment. Additionally, the Lost Coast Brewery permit requires monitoring of BOD, chemical oxygen demand (COD), pH, and TSS.

Regulatory Requirements

40 CFR 403.8(f)(2)(v) requires the City to "Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year."

40 CFR 403.12(h) states, "The Control Authority must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 of this chapter and

amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the significant non-categorical Industrial User.”

Requirement 14

The City is required to inspect and sample the effluent from each SIU at least once per year. If the City samples on behalf of an SIU, the City is required to sample the effluent at that SIU a minimum of twice per year. Therefore, the City must implement procedures to ensure it is complying with the oversight requirements in the federal regulations and its approved pretreatment program.

Response:

Beginning in 2018, the City has inspected each SIU at least once a year and sampled each SIU at least twice, taking care to comply with the oversight requirements in the federal regulations and its approved pretreatment program. Care will continue to be taken to meet these requirements moving forward.

Finding F.2.a – The City’s sampling techniques may not be representative of the discharge at Lost Coast Brewing, Mission Linen Supply, and Pacific Choice Seafood.

The City collects grab samples at each SIU, except for the continuous monitoring downstream of Lost Coast Brewery for flow, pH, and temperature. Multiple parameters for which the City samples are required to be collected as 24-hour flow-proportional composite samples (unless time-proportional or grab samples are representative and the decision to allow these is documented in the industrial user file). Parameters required to be collected as 24-hour flow-proportional composites include BOD, COD, and TSS at Lost Coast Brewery; BOD, COD, TSS, and metals at Mission Linen Supply; and BOD and TSS at Pacific Choice Seafood. The pretreatment systems at Lost Coast Brewery, Mission Linen Supply, and Pacific Choice Seafood continuously discharge during process operations, therefore, grab samples may not be representative of the discharges from these facilities. Additionally, the Audit Team did not observe documentation related to the City’s decision to allow grab samples in the SIU files.

Regulatory Requirements

40 CFR 403.12(g)(3) states, “The reports required in paragraphs (b), (d), (e) and (h) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period...Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities...”

40 CFR 403.12(h) states, “The Control Authority must require appropriate reporting from those Industrial Users with Discharges that are not subject to categorical Pretreatment Standards. Significant Non-categorical Industrial Users must submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Control Authority to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report, and in accordance with the techniques described in part 136 of this chapter and amendments thereto. This sampling and analysis may be performed by the Control Authority in lieu of the significant non-categorical Industrial User.”

Requirement 15

The City is required to obtain data through appropriate sampling and analysis and ensure the data are representative of the conditions occurring. If the City decides to allow grab or time-proportional 24-hour composite samples, the alternative sampling must be representative of the discharge and the City’s decision must be documented in the industrial user file.

Response:

The City does not recognize any of the SIU's as meeting the definition of Categorical Industrial User. The three SIU's are qualified as "significant" because each one discharges an average of 25,000 gallons per day or more of process wastewater to the POTW. Therefore, all specific limits are locally developed and considered concentration based or instantaneous limits. Section 50.080(B) of the City's SUO *Determination of noncompliance* states "The City Manager may use grab samples to determine noncompliance with pretreatment standards." The SIU permits shall be revised to include documentation of any decision to allow grab or time-proportional 24-hour composite samples.

Finding G.1.a – The City had not adequately enforced an administrative order issued to Mission Linen Supply for recurring local limits violations.

Based on the City's response to the 2015 inspection report and the files reviewed as a component of the audit, the Audit Team observed that the City issued Mission Linen an administrative order on March 3, 2016, but had not adequately enforced its requirements. Per the administrative order, the facility was required to meet the following milestones:

- a. By April 15th, 2016: Submit plans to the City of Eureka Source Control Department outlining the installation of higher efficiency, or additional pretreatment equipment capable of successfully removing the TPH pollutants below 25 mg/L.
- b. By May 18th, 2016: Upon approval from the Source Control Department, prepare and submit the plans and specifications referenced above to the City Building Department for review and permit.
- c. By September 1st, 2016 the required work shall be complete.

The following is the City's response to Requirement No. 1 of the 2015 inspection report, which provides "An Administrative Compliance Order was issued in March 2016 for Mission Linen's chronic violations of Total Petroleum Hydrocarbons. This specified a timeline by which certain milestones should have been met for the design and installation of additional pretreatment measures to address the ongoing TPH violations. All work was stated to be performed completely by September 1, 2016. Mission Linen's response was to try testing the discharge after isolating or removing various materials from their wash stream. They stated they thought that compliance could be achieved by processing shop towels and industrial terry at another of their facilities. The milestones were never met and the Compliance Order never fully followed up on. A single sample was taken by the Pretreatment Division on October 14, 2016. The result for TPH was 26 mg/L which is just above the local limit of 25 mg/L...[I]t was conveyed to Mission Linen that they were in compliance and no further action was taken by either the City or Mission Linen in 2016. ...Samples taken [by the City] for Zinc, TPH, and Oil & Grease on April 19, 2017 and May 18, 2017 again exceeded the local limits. Notices of Violation were issued again that made reference to the 2016 Compliance Order. After follow up conversations and meetings, Mission Linen is now on a compliance schedule to install a new Cavitation Air Flotation system for the purpose of achieving compliance with the local limits. The commissioning of the new system is scheduled for Dec. 1, 2017, although this date may be extended."

At the time of the audit, the facility's new pretreatment system was not yet operational. During the site visit conducted on January 31, 2018, facility representatives informed the Audit Team that the corporate environmental compliance representative would be on-site the next day to finalize the timeline for the installation of the pretreatment system upgrades.

Regulatory Requirement

40 CFR 403.8(f)(1) requires the City to operate pursuant to its legal authority and require compliance with applicable pretreatment standards and requirements.

Requirement 16

The City is required to enforce provisions in formal enforcement actions to remedy noncompliance with pretreatment standards and requirements. Specifically, the City is required to take enforcement action for the missed milestones in the Administrative Compliance Order, in accordance with its approved ERP.

Response:

As stated previously, the City's pretreatment program went through a series of short employment durations in the years 2015 through 2017. Interim staff does not appear to have been aware of or have understood all

pretreatment requirements. Records were incomplete and misleading. While copies of the above mentioned Administrative Compliance Order were included in the SIU file, careful review has yielded the determination that this Order was never issued. Instead, a series of conversations and e-mails between the temporary pretreatment staff and Mission Linen spoke of some extra monitoring and trials culminating in the October 14, 2016 sampling event in which City staff expressed compliance was achieved. For this reason, the City cannot take enforcement action against missed milestones. At this time, Mission Linen has completed installation of a new CAF pretreatment system and effluent characteristics have improved and met limits in 2018. The City will follow its ERP when issuing enforcement actions during future instances of SIU non-compliance.

Finding G.1.b – The City had not properly implemented its ERP in response to discharge violations at Pacific Choice Seafood

The Audit Team observed that the City had not escalated enforcement consistent with its ERP for discharge violations at Pacific Choice Seafood from October 2016–September 2017. The City issued the facility three NOV's over that period of time. Note that none of the NOV's included an associated monetary penalty.

- On October 31, 2016, the City issued an NOV for the improper disposal of shrimp waste to the sanitary sewer system. The shrimp waste was discovered at the WWTP headworks. The NOV required the permittee to (a) monitor and log all sanitation cleanings to verify proper maintenance was being performed, (b) implement a training program to ensure proper disposal of waste, and (c) replace defective baskets and screens on floor drains. The facility responded on November 4, 2016, stating that sanitation cleanings are being monitored and that training is being provided regarding the proper disposal of waste.
- On August 17, 2017, the City issued an NOV for the improper disposal of shrimp waste to the sanitary sewer system. City collections crew members had responded to high wet well alarms at the Commercial Street Lift Station on two occasions, July 19 and August 10, 2017. Both were due to shrimp shells causing blockage. The City referred to the previously-issued NOV and stated the facility's corrective measures, which were described in the facility's response on November 4, 2016, were inadequate. The facility responded on August 21, 2017, stating that sanitation cleanings are being monitored and that training is being provided regarding the proper disposal of waste.
- On September 12, 2017, during routine cleaning of the City's Commercial Street Lift Station, City collections crew members found "undefined product" labels and gloves; the labels were from Pacific Choice Seafood. On September 19, 2017, the City issued an NOV for the improper disposal of solid waste to the sanitary sewer system and for failure to submit weekly reports during periods of shrimp processing. The facility responded on September 20, 2017, stating that cleanup will be monitored and that training will be provided regarding the proper disposal of waste.

Section 4.3.3 of the City's ERP outlines responses for discharge limit violations that exceed applicable pretreatment standards. Specifically, it indicates that a recurring violation resulting in no harm requires a Level 1, and then a Level 2 response. Level 1 responses consist of administrative enforcement actions only, which may be a Correction Notice, Warning NOV, or an NOV. Level 2 responses consist of a combination of administrative and civil enforcement action, which may be an Administrative Order, Administrative Fine, Show Cause Order, or Civil Action. Per the ERP, a recurring violation that results in harm requires a Level 2, and then a Level 3 response. Level 3 responses consist of a combination of civil and criminal enforcement action, which may be a Show Cause Order, Civil Action, Criminal Prosecution, Termination of Permit, or Termination of Service.

Regulatory Requirement

40 CFR 403.8(f)(5) requires the City to "develop and implement an enforcement response plan." Implementation includes escalation of enforcement for recurring violations, as specified in the approved ERP.

Requirement 17

The City is required to take appropriate enforcement for these past violations, in accordance with its approved ERP. Furthermore, the City is required to ensure it follows the procedures outlined in the ERP for all violations identified going forward.

Response:

The City has followed its ERP in regards to the cited discharge violations at Pacific Choice Seafood. The approved ERP indicates that a recurring violation resulting in no harm requires a Level 1 or a Level 2 response, not "a Level 1, and then a Level 2 response" as interpreted by the auditor. Furthermore, the cited instances of non-compliance do not meet the definitions of "harm" or "Significant Non-Compliance". Harm is defined in the ERP as Interference, pass through, or harm to the environment.

The term *Interference* means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; **and**
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with...

The term *Pass Through* means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

The instances at Pacific Choice do not meet these definitions nor did they result in harm to the environment. The ERP also states that "Certain instances of noncompliance are not of sufficient impact to justify extensive enforcement actions." The level of response issued in each instance met the requirements of the ERP. Shrimp reports are currently submitted weekly as required and no further enforcement actions have been necessary for solids discharging into the sewer system. The City needs to address other issues found during the Pretreatment Compliance Audit inspections for this facility and will continue to discuss permit requirements and expectations with Pacific Choice Seafood to prevent future instances of non-compliance and discharge violations of this nature.

Lost Coast Brewery Site Visit

Finding - The pH probes in Tank 1 and Tank 2 were inoperable at the time of the inspection.

The facility representative stated he was aware of the issue and that he was working to resolve it. The Audit Team observed that the pH probe in Tank 3 read 8.47.

Regulatory Requirement

Part 1.A of the facility discharge permit states that the "permittee shall maintain all pretreatment equipment in proper working condition per manufacturers' specifications."

Requirement 18

The City is required to ensure that the facility maintains pretreatment equipment in proper working condition and should conduct a follow-up inspection to determine the status of the pH probes.

Response:

On May 10, 2018, the City conducted a follow-up inspection of the pH neutralization system at Lost Coast Brewery. A pH grab sample indicated discharge of effluent below applicable effluent limits and again it was observed that the pH probes were not in proper working order and the automatic adjustment system was not in use. A Notice of Violation was issued to Lost Coast Brewery for the pH violation as well as failure to maintain its pretreatment system in proper working condition. Lost Coast Brewery took immediate action to manually operate its pH neutralization system while repairs were conducted. Currently there are three pH probes in operation in the system, one in each of the neutralization tanks. Requirements issued to Lost Coast Brewery in a follow-up letter set additional procedure for notifying the City in the event that less than two of these pH probes were not in calibrated working order. The permit for Lost Coast Brewery shall be updated to include this notification requirement at the time of revision.

Mission Linen Supply Site Visit

1. Finding – The Audit Team identified incomplete preventative maintenance activities.

The Audit Team reviewed the facility's maintenance sheet for the "Waste Water System" which lists weekly and monthly activities and covered the timeframe of June 27, 2017–January 16, 2018. The Audit Team observed the following deficiencies:

- Four weekly activities were not marked complete for the entire timeframe covered by the sheet.
- Only one weekly inspection was completed in September.
- No inspections were conducted in October.
- Only two weekly inspections were conducted in December.

Regulatory Requirement

Part 1.A of the facility's discharge permit requires that the "permittee shall maintain all pretreatment equipment in proper working condition per the manufacturer's specifications." Part 1.B of the permit requires the permittee to "generate a preventative maintenance schedule for the Ellis Corporation Model OWS-200 oil water separator based on the minimum manufacturers' specifications."

Requirement 19

The City is required to evaluate the facility's maintenance records to ensure the facility is properly maintaining the pretreatment system and take appropriate enforcement action when permit conditions are not met.

Response:

The Ellis Corporation Model OWS-200 oil water separator is no longer part of the treatment system at Mission Linen Supply. The permit for Mission Linen shall be revised to reflect the requirement in Part 1.B for the new CAF pretreatment system. At times of inspection, the City shall evaluate the facility's maintenance records to ensure the facility is properly maintaining the pretreatment system and take appropriate enforcement action when permit conditions are not met.

Finding – The facility's flow equalization tank had been removed from service due to the upgrades to the pretreatment system.

The influent line to the flow equalization tank had been cut and removed and process wastewater was routed directly to the facility's oil/water separator. Based on the file review, it was unclear if the City was properly notified of this modification to the treatment system.

Permit Requirements:

Part 1. I of the facility's discharge permit requires that "All process wastewater shall pass through a solids separator sump, a flow equalization tank and an Ellis Corporation Model OWS-200 oil water separator prior to discharge to the sanitary sewer. Any bypass of the pretreatment system shall be done in accordance with the bypass provisions specified in the permit."

Requirement 20

The City is required to ensure that the facility complies with the permit's bypass notification requirements contained in Part 5.D.

Response:

The facility's flow equalization tank had been removed from service due to the planned upgrades to the pretreatment system. It was believed that the equalization tank had minimal effect on effluent quality. Mission Linen was reminded of the bypass notification requirements at the time of inspection and the City shall formally address bypass notification requirements in writing at the time of impending permit revision.

Finding – The Audit Team observed blue color entering the oil/water separator.

The Audit Team observed a blue color entering the oil/water separator at 10:25 a.m. Facility representatives stated that the color was from a dyeing operation. The color did not appear to leave the oil/water separator.

Recommendation 9

It is recommended the City request copies of all safety data sheets (SDSs) for the dyes used at the facility for review and evaluation with respect to metals concentrations.

Response:

The City has requested and received SDSs for the dyes used at the facility for review and evaluation with respect to metals concentrations.

Pacific Choice Seafood Company Site Visit

Finding – The Audit Team identified two locations that had wastewater line valves that could be used to bypass the pretreatment building.

The influent line to the initial holding tank (from the hydro screen) had a valve immediately prior to the pretreatment building (refer to Photograph 1). The valve appeared to be closed at the time of the inspection. However, if it were open, flows from the hydro screen would bypass the pretreatment system building (i.e., initial holding tank, equalization tanks, etc.). The bypass line (bypass 1) goes below ground, adjacent to a storm drain (refer to Photograph 2). The second bypass valve is located at the hydro screen on the line flowing towards the pretreatment building (refer to Photograph 1). If closed, this valve would direct flow back towards the process building and then to the POTW (refer to Photograph 2). The facility representative stated that when the hydro screen is cleaned (after shrimp processing), wash waters are not sent to the pretreatment system, but bypass the pretreatment system and discharge directly to the POTW through this route. It is unclear why there were two separate bypass routes.

The Audit Team also identified another potential bypass location within the pretreatment building. The initial holding tank that collects pretreatment system influent had an overflow pipe which was routed to the exterior of the pretreatment building through the wall adjacent to the tank. The pipe was positioned above what appeared to be a storm drain inlet; refer to item 2, below, for additional information (refer to Photographs 3 and 4). The facility had not previously notified the City of the need to bypass or of bypass events that occurred at the facility.

Regulatory Requirement

Part 4.D.1 of the permit states that bypass is prohibited, and the City may take enforcement action against the permittee for a bypass, unless: (a) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) there were no feasible alternatives to the bypass; and (c) a bypass which does not cause pretreatment standards or requirements to be violated, but only if it also is essential maintenance to assure efficient operation, and the permittee submitted notice as required under this section.

Requirement 21

The City is required to enforce Part 4.D.1 of the permit and ensure that facility follows the correct bypass procedures. The City is required to conduct a follow up inspection at the facility to identify the ultimate destination of the bypass line. If the bypass line discharges to the storm drain, the appropriate representatives are required to be notified. The City is also required to evaluate the operating procedures for the bypass valve being positioned in the "open" operating mode.

Recommendation 10

It is recommended that all process and wash wastewaters be sent to the pretreatment system for treatment prior to discharge in an effort to eliminate the need for the facility to bypass the pretreatment system.

Response:

The line identified as Pretreatment system bypass line (1) in Photograph 1 has been cut and capped by the SIU. The corrugated overflow from the initial holding tank in the pretreatment system has been removed by the SIU. Both of these lines would have discharged to the drain shown in Photograph 4 which facility staff have identified as a storm drain. The City's stormwater official has been notified of other identified discharges to this drain. Facility staff have stated that Pretreatment system bypass line (2) bypasses the treatment building and discharges to the sewer system through the flow-monitoring and sampling manhole. Facility staff have stated this line would potentially be used to bypass the pretreatment system if/when the system becomes compromised and unable to handle the flow sent to it. Bypass notification requirements have been verbally reiterated and discussion on this matter is ongoing and will continue to be addressed during follow-up. Pacific Choice has

submitted plans to have all process water and internal drains flow through the pretreatment system. The details of this project have yet to be finalized and one area of consideration is the need and ability of the facility for potential bypass in the future.

Finding – The Audit Team identified an undocumented potential discharge location from the initial holding tank to an unknown destination.

During the inspection of the pretreatment system in the pretreatment building, the Audit Team observed a flexible hose leading from the overflow pipe in the initial holding tank, through the building wall, to an outside drain (refer to Photographs 3 and 4). The facility and City representatives were unsure of the drain's final destination. Additionally, staining, resembling a grate cover, was observed near the drain, indicating that the grate cover may be periodically removed for periods of time (refer to Photograph 4).

Regulatory Requirement

40 CFR 403.8(f)(2)(ii) requires the POTW to identify the character and volume of pollutants contributed to the POTW by the industrial users.

Part 1.K of the permit states that "operational controls, such as floor drain grates and P-trap covers, shall be used to prevent carcasses, fish skins, and any other solid debris greater than one inch in any dimension from entering the sanitary sewer."

Requirement 22

The City is required to identify the destination of the outdoor drain and evaluate the facility's discharge practices to said drain. Specifically, the City is required to identify what is discharged to the drain, during what circumstances these discharges occur, if they are bypassing the pretreatment system and sampling location, and if they are necessary. If the drain leads to the storm drain system, the appropriate representatives are required to be notified.

Additionally, the City is required to identify the reason for the removal of the grate cover indicated by the staining on the impervious surface resembling the grate cover. The City is required to ensure that the cover is not being removed to allow solids to discharge to the POTW per Part 1.K of the permit.

Response:

Facility staff have identified the outdoor drain as a storm drain. The grate cover is removed to access and clean out shrimp shells captured by a finer screen placed underneath the grate cover. Previous discharges included bypass from the overflow line and gate valve identified in Photograph 1. These bypasses potentially occurred during maintenance or when operational problems were encountered in the pretreatment system causing the system to be overwhelmed. It is unclear if and how often any such bypass occurred. The vertical pipe with the gate valve has been cut and capped and the overflow line removed by the SIU. The shrimp shell hydroscreen area is adjacent to this drain. Shrimp shells are separated from the liquid stream and fall into trucks to be hauled off-site. The liquid stream then flows to the pretreatment system. Current discharges to this drain occur from residual water on the shells continuing to drain from the trucks and from shrimp shells which have missed or fallen from the trucks. The City's stormwater representative has been notified through photos and description of discharges to this drain.

Finding –The Audit Team observed wastewater treatment chemicals close to its expiration date.

The Audit Team observed that the expiration date on the container of flocculant stored in the pretreatment building was January 25, 2018 (refer to Photograph 5).

Recommendation 11

The Audit Team recommends that the City follow up with the facility to ensure that it is using chemicals that will meet the performance needs of the pretreatment system.

Response:

The City observed and documented that the flocculant currently in use at the facility has an expiration date of 5/23/2019.

Finding – Some of the facility’s sewer connections were deteriorated and were contributing to unpermitted discharges to the Eureka Slough.

The Audit Team observed multiple broken, leaking, and deteriorated pipes underneath the facility where the building meets the shoreline of the Eureka Slough. This area of the facility is raised above the shoreline because it is a tidally influenced area. During the inspection, the tide was at a low point, thereby allowing the Audit Team to walk underneath the facility. Based on high water marks observed on the support pillars, access to this area via foot is difficult during high tide. Multiple pipes were leaking water from an unidentified source to the shore, which then flowed to the Eureka Slough (refer to Photographs 6 through 14). While many of the pipes appeared to be associated with the process wastewater/sanitary sewer system, the water did not appear to be from a domestic source based on its visual appearance (i.e., no domestic solids) and lack of odor. The facility’s Maintenance Technician stated that in the past, the facility had hired a plumber to evaluate the piping in this area for repair; however, the plumber left without providing a summary of the assessment to the facility. It was unclear when this evaluation was conducted and when the leaking pipes had failed in relation to the plumber’s evaluation of the infrastructure. The Audit Team observed the following in regard to the plumbing under the facility:

- The rusted pipe conveying the most significant flow discharging to the Eureka Slough did not appear to have any sewer infrastructure downstream of the discharge point. It was unclear to the Audit Team how this line connected to the sanitary sewer (refer to Photographs 8 and 9).
- The Audit Team observed heavy grade black tape on a P-trap that was leaking and plastic sheeting was observed in one area (refer to Photographs 12 through 14). It was unclear if the tape or plastic sheeting was related to any previous pipe repair work.
- A rock under one of the P traps was moist from leaking wastewater and appeared to have bio-growth in these areas. This bio-growth appeared to be a result of the wastewater leaking from the pipe (refer to Photograph 14).
- During the exit interview the facility representative was informed the leaks of wastewaters from facility’s plumbing needed to be corrected immediately. The representative stated that he would call a plumber immediately.

Regulatory Requirement

The federal regulations at 40 CFR 122 require that direct discharge of wastewater to waters of the United States must be permitted under the NPDES Program.

Section 50.092, Maintenance of Building Sewers, of the City’s SUO states:

“All users shall keep, operate, and maintain their building sewer connections, including that portion thereof within a public right-of-way, in good order and condition and free of roots, grease, sand, and other nonstructural related obstructions and shall be liable for damages which may result from their failure to do so.”

Requirement 23

The facility is required to cease the direct discharge of wastewater to the Eureka Slough immediately.

The City is required to enforce Section 50.092 of the SUO and ensure that the facility is properly operating and maintaining the building sewer connections.

Response:

During follow-up inspections, the City confirmed that leaks from plumbing located underneath the wharf which were observed during PCA facility inspection had been repaired. Facility staff have stated that the plan for diverting all process water to the pretreatment system also includes redirecting the flow of wastewater along the south side of the building in a manner which will no longer convey flow beneath the wharf. The Source Control Inspector is in the process of confirming this statement.

Recommendation 12

The Audit Team strongly recommends that the City have a formal meeting with company representatives concerning the plumbing infrastructure, unpermitted discharges, and overall permit compliance. The company representatives should have past and future building plans and plumbing diagrams so that all sewer and storm system sewer lines are clearly identified.

The Audit Team also recommends that all buildings and piers with water and wastewater utilities located over water or on the shore line be inspected for similar issues with infrastructure assets exposed to tidal impacts or hidden from regular maintenance inspections.

Response:

The Source Control Inspector held an informal meeting Friday September 7, 2018 with facility management concerning the plumbing infrastructure, unpermitted discharges, and overall permit compliance. These matters will continue to be addressed during the approval process for the proposed pretreatment system modifications and during the SIU permit revision process.

Timeframe for Completion:

Unless otherwise stated in the individual responses, any actions that involve revisions to SIU permits shall be completed within 90 days of issuance of this response. All revisions to SIU permits and updates to SIU files shall be completed by Dec 16, 2018.

The City has a deadline for an Updated Sewer Use Ordinance expressed in Table E-10 of NPDES No. CA0024449 -Reporting Requirements for Special Provisions Reports. Required revisions to the SUO shall be completed at the time of the upcoming update. Revisions shall be included in the Updated Sewer Use Ordinance Evaluation Report due November 1, 2018 and completed with the Updated Sewer Use Ordinance due November 1, 2019.

Prepared By: _____ Date: _____
David Adams
Source Control Inspector II

Approved By: _____ Date: _____
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